

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BRIAN PATTON,**

**Plaintiff,**

**v.**

**Civil Action 2:20-cv-1213  
Judge Edmund A. Sargus, Jr.  
Magistrate Judge Chelsey M. Vascura**

**UNITED CHECK RECOVERY  
BUREAU, INC., *et al.*,**

**Defendants.**

**REPORT AND RECOMMENDATION**

This matter is before the undersigned for a Report and Recommendation on the Court's April 20, 2020 Show Cause Order (ECF No. 4). For the reasons that follow, it is **RECOMMENDED** that Plaintiff's claims against Defendant United Check Recovery Bureau, Inc. be **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Plaintiff filed this action on March 5, 2020. (ECF No. 1.) The docket reflects that service was completed upon Defendant United Check Recovery Bureau, Inc. ("UCRB") on March 16, 2020, and that an answer was due on April 6, 2020. (ECF No. 3.) Although UCRB failed to file a timely answer or other response to the Complaint, Plaintiff did not apply for an entry of default from the Clerk pursuant to Federal Rule of Civil Procedure 55(a). On April 20, 2020, the Court ordered Plaintiff to show cause why the claims against UCRB should not be dismissed for want of prosecution within fourteen days of the Show Cause Order unless he had filed an application for entry of default in the interim. (ECF No. 4.)

To date, Plaintiff has not responded to the Show Cause Order and has not filed an application for entry of default against UCRB. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against UCRB pursuant to Rule 41(b) for failure to prosecute.

### **PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ Chelsey M. Vascura  
CHELSEY M. VASCURA  
UNITED STATES MAGISTRATE JUDGE